

**BOARD OF ADA COUNTY COMMISSIONERS
MINUTES OF THE PUBLIC HEARING
WEDNESDAY, JUNE 3, 2015
6:00 P.M.**

The Board of Ada County Commissioners (Board) met this date in the Ada County Public Hearing Room of the Ada County Courthouse Complex. Staff members present: Mark Perfect, Brent Danielson, Megan Basham and Diana Sanders, Development Services; and Ted Argyle, Prosecuting Attorney's Office. Minutes Recorder: Angel Dicus.

I. IN THE MATTER OF CALL TO ORDER:

Commissioner Jim Tibbs called the meeting to order at 6:00 p.m.

II. IN THE MATTER OF ROLL CALL:

Commissioners Jim Tibbs, Rick Yzaguirre and David L. Case were present.

III. IN THE MATTER OF CHANGES TO THE AGENDA:

There were no changes to the agenda.

IV. IN THE MATTER OF UNFINISHED BUSINESS:

- **201400959-S, SPRINGVIEW ESTATES SUB:** A request for a final plat for 4 lots. The property is located at 4095 N. Pollard Lane; T. 5N., R. 1W., Section 33 (*Tabled from 5/13/15 Public Hearing; Public Hearing Left Open*)

ACTION: D. CASE MOVED TO REMOVE APPLICATION NO. 201400959-S, SPRINGVIEW ESTATES SUB FROM THE TABLE FOR CONSIDERATION. R. YZAGUIRRE SECONDED. D. CASE, AYE, R. YZAGUIRRE, AND J. TIBBS, AYE. THE MOTION CARRIED UNANIMOUSLY.

D. Sanders requested this item be tabled to June 22, 2015 to finalize irrigation bonding.

ACTION: D. CASE MOVED TO TABLE APPLICATION NO. 201400959-S, SPRINGVIEW ESTATES SUB TO JUNE 22, 2015, TO THE JUNE 22, 2015 DEVELOPMENT SERVICES MEETING. R. YZAGUIRRE SECONDED. D. CASE, AYE, R. YZAGUIRRE, AND J. TIBBS, AYE. THE MOTION CARRIED UNANIMOUSLY.

V. IN THE MATTER OF NEW BUSINESS:

1. **201302032-S, ETHRIDGE SQUARE SUB:** A request for a final plat for a ten (10) lot residential subdivision. The property is located at 9414 W. Amity Road; T. 3N., R.1E., Section 26

B. Danielson presented the Staff report

ACTION: R. YZAGUIRRE MOVED TO APPROVE APPLICATION NO. 201302032-S, ETHRIDGE SQUARE SUB; BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT. D. CASE SECONDED. R. YZAGUIRRE, AYE, D. CASE, AYE, AND J. TIBBS, AYE. THE MOTION CARRIED UNANIMOUSLY.

2. **201500326-S-PR-FP, JOHNSON, ROY:** A preliminary plat application for a three (3) lot residential subdivision with a floodplain application and private road application. The property is located at 5410 S. McDermott Road; T. 3N., R. 1W., Section 33

J. Tibbs opened the public hearing.

B. Danielson entered Exhibit No. 56, the Sign Posting Certificate and then presented the Staff report.

Roy Johnson, Applicant, stated his name and address for the record. He offered to answer any questions the Board might have.

J. Tibbs closed the public hearing.

ACTION: R. YZAGUIRRE MOVED TO APPROVE APPLICATION NO. 201500326-S-PR-FP, JOHNSON, ROY; BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT. D. CASE SECONDED. R. YZAGUIRRE, AYE, D. CASE, AYE, AND J. TIBBS, AYE. THE MOTION CARRIED UNANIMOUSLY.

3. **201500265-ZOA, ADA COUNTY:** An application for a Zoning Ordinance Text Amendment in order to amend Sections 8-7-7A(2) and 8-7E-5 of the Ada County Code pertaining to judicial review and reconsiderations. It is proposed that Section 8-7-7A(2) of the Ada County Code be amended to include reference to Idaho State Code 67-6535 in order to comply with State Law regarding the judicial review process. It is also proposed that Section 8-7E-5 of the Ada County Code be repealed and replaced with new language regarding reconsiderations required as a precursor to a petition for judicial review. The new language will bring the Ada County Code into conformance with Idaho State Code 67-6535

J. Tibbs opened the public hearing.

D. Sanders presented the Staff report.

D. Case questioned D. Sanders if the ordinance was being amended to meet State code. D. Sanders confirmed.

J. Tibbs closed the public hearing.

ACTION: D. CASE MOVED TO APPROVE APPLICATION NO. 201500265-ZOA, ADA COUNTY BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT AND PRESENTED BY STAFF. R. YZAGUIRRE SECONDED. D. CASE, AYE, R. YZAGUIRRE, AYE AND J. TIBBS, AYE. THE MOTION CARRIED UNANIMOUSLY.

4. **201500097-A, SPENCER, DAVID:** An appeal of the Director's approval of the Sandy Point Lane private road. The property is located at the northwest corner of Sandy Point Lane; T. 2N., R. 3E., Section 11

J. Tibbs opened the public hearing.

M. Basham entered additional exhibits into the record and presented the Staff report.

David Spencer, Appellant, stated his name and address for the record. He presented testimony in support of the Appeal and suggested a plan to work with Ada County Highway District (ACHD) and Development Services Staff.

R. Yzaguirre questioned why this application could not be approved while Appellant worked with ACHD. D. Spencer stated he would like to see a solution that would work for all.

J. Tibbs disclosed Philip Krueger contributed to his campaign but stated he could remain objective.

Philip Krueger stated his name and address for the record. He presented testimony in favor of the Appeal stating this application meets all requirements for approval.

Andy Isaac stated his name and address for the record. He presented testimony in favor of the appeal citing that granting the private road would not resolve all issues.

D. Spencer reproached the podium to rebut testimony. He stated he was unaware that if his home was lost, he could not rebuild. He reiterated previous statements of wanting to work with Development Services to find a solution.

The Board and M. Basham discussed the need to continue to work on solutions to address the remaining concerns.

J. Tibbs closed the public hearing.

The Board encouraged Staff to assist the property owners in finding a solution.

ACTION: R. YZAGUIRRE MOVED TO DENY APPLICATION NO. 201500097-A, SPENCER, DAVID AND UPHOLD THE PLANNING AND ZONING COMMISSION'S DECISION; DIRECT STAFF TO WORK WITH THE PROPERTY OWNERS TO FIND A LONG TERM SOLUTION FOR REMAINING ISSUES. D. CASE SECONDED.

DISCUSSION: J. TIBBS THANKED THOSE WHO TESTIFIED, EXPRESSED APPRECIATION TO THE WORK OF STAFF AND ENCOURAGED STAFF TO CONTINUE WORKING WITH AREA RESIDENTS TO REACH RESOLUTIONS.

ACTION: R. YZAGUIRRE, AYE, D. CASE, AYE, AND J. TIBBS, AYE. THE MOTION CARRIED UNANIMOUSLY.

VI. IN THE MATTER OF ADJOURNMENT:

There being no further business to come before the Board on this date, the meeting was adjourned at 6:58 p.m.


Rick Yzaguirre, Acting Chairman

ATTEST:


Christopher D. Rich, Ada County Clerk